

**REGULAR MEETING
OF
THE PUBLIC SERVICE COMMISSION**

1. A Regular Meeting was called to order by Chairman Dallas Winslow in the Hearing Room, Public Service Commission, 861 Silver Lake Boulevard, Dover, Delaware, on Tuesday, October 8, 2019, at 1:00 p.m. with the following Commissioners in attendance: Joann Conaway, Manubhai "Mike" C. Karia, and Harold Gray. Commissioner Kim Drexler was not in attendance.

The following Staff members were in attendance: Dr. Raj Barua, Matthew Hartigan, Constance McDowell, Donna Nickerson, Samantha Hemphill, Lisa Driggins, Pamela Knotts, Rate Counsel James McC. Geddes, Esq., Deputy Attorneys General William O'Brien, Esq., and Thomas Walsh, Esq.

Commissioner Gray moved to approve the meeting minutes from the September 12, 2019 meeting; the motion was seconded by Commissioner Conaway and approved 4-0.

Commissioner Conaway moved to approve the Public and Executive meeting minutes from the September 26, 2019 meeting; the motion was seconded by Commissioner Karia and approved 3-0. Commissioner Gray abstained.

2. CONSENT AGENDA ITEMS

A motion was made by Commissioner Conaway to adopt the following Consent Agenda items as presented:

IN THE MATTER OF THE APPLICATION OF TIDEWATER UTILITIES, INC. FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE WATER SERVICES PURSUANT TO 26 *DEL. C.* §203C ("BERZINS") (FILED AUGUST 9, 2019) – PSC DOCKET NO. 19-0505

- Commission considered Staff Memorandum and Proposed Order No. 9472.

IN THE MATTER OF THE APPLICATION OF TIDEWATER UTILITIES, INC. FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE WATER SERVICES PURSUANT TO 26 *DEL. C.* §203C ("REHOBOTH DISTRICT 1") (FILED AUGUST 9, 2019) – PSC DOCKET NO. 19-0507

- Commission considered Staff Memorandum and Proposed Order No. 9473.

IN THE MATTER OF THE APPLICATION OF CHESAPEAKE UTILITIES CORPORATION REGARDING ITS ACQUISITION AND CONVERSION OF PROPANE COMMUNITY GAS SYSTEMS (FILED AUGUST 20, 2019) – PSC DOCKET NO. 19-0529

- Commission considered Staff Memorandum and Proposed Order No. 9480.

The motion was seconded by Commissioner Karia and approved 4-0.

3. REGULAR AGENDA ITEMS

IN THE MATTER OF THE APPLICATION OF LEWES BOARD OF PUBLIC WORKS FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE WATER SERVICES PURSUANT TO 26 *DEL. C.* §203C (FILED JULY 9, 2019) – PSC DOCKET NO. 19-0444

- Thomas Walsh, Esq. appeared on behalf of Staff.
- William O'Brien, Esq. appeared on behalf of the Commission.
- Jamie Nutter, Esq., Parkowski, Guerke & Swayze, P. A., appeared on behalf of Cape Henlopen Medical Center LLC.
- Thomas McGonigle, Drinker Biddle, appeared on behalf of City of Lewes.
- Mike Hoffman, Esq. appeared on behalf of the Board of Public Works.
- David Hutt, Esq., Morris James, appeared on behalf of Mitchell Family LLC.
- A motion was made by Commissioner Gray and seconded by Commissioner Conaway approving proposed Order No. 9476 interventions; the motion was approved 4-0.
- A motion was made by Commissioner Gray and seconded by Commissioner Karia reaffirming the adoption of Order No. 9476 to allow service to one parcel as applied and deferring or allowing the 30-day extension for response on the Motion to Dismiss; the motion was approved 4-0.
- A verbatim transcript was made of this proceeding.

IN THE MATTER OF THE JOINT APPLICATION OF TIDEWATER UTILITIES, INC. AND J.H. WILKERSON & SON, INC. FOR APPROVAL OF THE SALE AND TRANSFER OF WILKERSON WATER COMPANY AND BROADKILN BEACH WATER COMPANY. (FILED SEPTEMBER 3, 2019) – PSC DOCKET NO. 19-0576

- Thomas Walsh, Esq., and Lisa Driggins appeared on behalf of Staff.
- Jamie Nutter, Esq., Parkowski, Guerke & Swayze, P..A. and David Wilkerson appeared on behalf of Wilkerson Water Company.
- A. Bruce O'Connor appeared on behalf of Tidewater Utilities, Inc.
- Andrew Slater appeared on behalf of the Division of the Public Advocate
- A motion was made by Commissioner Gray and seconded by Commissioner Karia approving proposed Order No. 9474 as submitted; the motion was approved 4-0.
- A verbatim transcript was made of this proceeding.

IN THE MATTER OF THE TARIFF FILING BY CHESAPEAKE UTILITIES CORPORATION FOR A NEW RATE SCHEDULE "MVFF" CALLED TOWN OF MILLVILLE FRANCHISE FEE RIDER (FILED SEPTEMBER 18, 2019) – PSC DOCKET NO. 19-0604

- James McC. Geddes, Esq. appeared on behalf of Staff.
- Marie Kozel appeared on behalf of Chesapeake Utilities Corporate.
- Andrew Slater appeared on behalf of the Division of the Public Advocate.
- A motion was made by Commissioner Conaway and seconded by Commissioner Karia approving proposed Order No. 9479; the motion was approved 4-0.

- A verbatim transcript was made of this proceeding.

4. DIRECTOR'S COMMENTS

- Dr. Barua announced that the next Commission meeting would be Tuesday, October 22, 2019.
- Dr. Barua announced that the Commission would go into Executive Session with the following in attendance: Chairman and Commissioners, Dr. Barua, Matthew Hartigan, Donna Nickerson, Constance McDowell, Samantha Hemphill, Pamela Knotts, Public Advocate Andrew Slater, Deputy Attorneys General William O'Brien, Esq., and Thomas Walsh, Esq., under 29 *Del. C.* §10004 (b) (4) for purposes of discussing legal strategy or receiving legal advice/update of a privileged or confidential nature.
- A motion to enter into Executive Session was made by Commissioner Karia and seconded by Commissioner Gray; the motion was approved 4-0.
- After the Commission came out of the Executive Session, a motion was made by Commissioner Conaway and seconded by Commissioner Karia to approve changing the October 14, 2019 filing date in Regulation Docket No. 56 to November 13, 2019; the motion was approved 4-0.

This meeting was adjourned at approximately at 2:17 P.M.

Respectfully submitted,

/s/Donna Nickerson
Secretary